Gmail

Mitch OFarrell <mitchof13@gmail.com>

Fwd: SaveHollywood.or & HELP v City of Los Angeles

1 message

Jeanne Min <jeanne.min@lacity.org>
To: "siegmund.shyu@lacity.org" <siegmund.shyu@lacity.org>
Cc: David Cano <david.cano@lacity.org>, Mitch O'Farrell <mitch.ofarrell@lacity.org>
Bcc: mitchof13@gmail.com

Fri, Jul 5, 2013 at 9:59 PM

Hi Siegmund-

Your email was forwarded to me by Ana Guerrero, the chief of staff to then Councilman Garcetti. I Would like to schedule a meeting with you next week to get clear understanding on what council would be acting on as we'll what options we have as a body.

Please work with David Cano to arrange a briefing for Councilmember o'Farrell.

Thank you,
Jeanne Min

Sent from my iPhone

Begin forwarded message:

From: Ana Guerrero <ana.guerrero@lacity.org>
To: Jeanne Min <jeanne.min@lacity.org>
Subject: Fwd: SaveHollywood.or & HELP v City of Los Angeles

Hi Jeanne,

Ana asked that I forward this email to your attention.

Thank you and have a great weekend.

Lidia

---------- Forwarded message ----------
From: Siegmund Shyu <siegmund.shyu@lacity.org>
Date: Wed, Jun 26, 2013 at 10:43 AM
Subject: Fwd: SaveHollywood.or & HELP v City of Los Angeles
To: Ana Guerrero <ana.guerrero@lacity.org>
Cc: Kevin Keller <kevin.keller@lacity.org>

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT - ATTORNEY CLIENT COMMUNICATION

Ms. Guerrero:

I am one of the Deputy City Attorneys assigned to the Hollywood Community Plan Update litigation cases. We have received a written settlement offer from one of the parties, which we are obligated under ethical rules to convey to the client (see below and attached). We will prepare a Council report transmitting the settlement offer shortly, asking Council whether it desires to schedule the matter for discussion.

Please let me know if you have any questions or concerns regarding this. Thank you.

——— Forwarded message ———
From: Richard MacNaughton <macnaughtonesq@gmail.com>
Date: Tue, Jun 25, 2013 at 9:47 PM
Subject: SaveHollywood.or & HELP v City of Los Angeles
To: "Dermer, Gabriel" <gabriel.dermer@lacity.org>, Mary Decker <
Mary.Decker@lacity.org>, Siegmund Shyu <siegmund.shyu@lacity.org>, Michael
Bostrom <Michael.Bostrom@lacity.org>, Curt Holguin <Curt.Holguin@lacity.org>,
Timothy Mcwilliams <Tim.McWilliams@lacity.org>
Cc: Frank Angel <fangel@angellaw.com>, "Cheng, Jessica" <JCheng@angellaw.com>,
abramsRL@gmail.com, LMcManus@angellaw.com, Ziggy Kruse <
ziggykruse2005@yahoo.com>

Dear Counsel:

The attached letter is a formal settlement proposal for your clients to consider. I made the offer's expiration late on Tuesday July 17, 2013.

As you will recognize, this settlement proposal follows from the concerns which I had raised with Gabriel Dermer some time ago.

Very truly yours,

Richard MacNaughton
co-counsel for SaveHollywood.org and
Hollywoodians Encouraging Logical Planning

—
Siegmund Shyu
Deputy City Attorney
City of Los Angeles, Office of the City Attorney
Room 701 City Hall East
200 N. Main Street Los Angeles, California 90012
(213) 978-8231
(213) 978-8090 (fax)
Email: Siegmund.Shyu@lacity.org

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If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.
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–
Ana Guerrero
Chief of Staff
Office of Mayor Eric Garcetti
213-922-9739

LHZC-1010-2.pdf
421K

Richard MacNaughton
Attorney at Law
9107 Wilshire Boulevard
Suite 700
Beverly Hills, California 90210
MacNaughtonEsq@Gmail.com

Tel 310/273-5464
Fax 310/274-7749

Tuesday, June 25, 2013

Gabriel Dermer, Esq.	Email only gabriel.dermer@lacity.org
Mary Decker, Esq.	Email only Mary.Decker@lacity.org
Siegmund Shyu, Esq.	Email only siegmund.shyu@lacity.org
Michael Bostrom, Esq.	Email only Michael.Bostrom@lacity.org
Curt Holquin, Esq.	Email only Curt.Holguin@lacity.org
Timothy McWilliams, Esq.	Email only Tim.McWilliams@lacity.org

City Attorneys Office
City of Los Angeles

Re: SaveHollywood.org, Hollywoodians Encouraging Logical Planning v City of Los Angeles, et alia
Case Number BS 138 370
Settlement Proposal, expires Tuesday, July 17, 2013

Dear Counsel:

SaveHollywood.org, Hollywoodians Encouraging Logical Planning [Petitioners] propose that Respondents settle the above referenced lawsuit at this time.

At the outset, Petitioners point out that had the City Council heeded the City Attorney's sage advice in its April 12, 2012 letter, the Hollywood Community Plan [HCP] would not be in litigation, but rather a new DEIR and most likely a new FEIR would have been completed in the intervening fourteen (14) months. Petitioners believe that the City of Los Angeles and the public have been needlessly and materially harmed by the improvident June 19, 2012 approval of the HCP.

Since last June, more information has come to light which shows that the proper course of action last Spring and Summer was the re-doing of the DEIR.

1. After reviewing the approximately 70,000 pages in the Administrative Record [AR], Petitioners saw that there was no SCAG data to support any claim made in the DEIR or the FEIR. By law, "no evidence" may not equal "substantial evidence," and there is no evidence for the 2005 baseline population of 224,426 ppl or for any other conclusions as all Alternatives must be compared to the baseline. Once that baseline falls, the entire DEIR and FEIR are fatally defective and the court must send the HCP back to the DEIR stage.

2. The lack of the SCAG data in the AR shows that the DEIR, the FEIR and the June 14, 2012 Second Addition to the FEIR [2nd Addition] constituted material fraud on the public. Respondents had made the material representation that they had used the SCAG 2004 RTP for the 2005 baseline population. The SCAG 2004 RTP was not in the AR. When Petitioners tracked down the SCAG 2004 RTP, they discovered that it had no population data for Hollywood. Petitioners further found that SCAG had no publicly available population data for Hollywood.

3. The public is entitled to rely upon Respondents' material representations of fact. Many members of the public had commented that the 2005 population baseline was not correct. Due to SCAG's history of inflating populations, members of the public made their comments under the assumption that they were disagreeing with a SCAG determination that had been accurately set forth in the DEIR and FEIR. Respondents, it turns

out, were not accurately reflecting SCAG's final determination of the 2005 baseline population.

4. By use of Government Code, § 6250, Petitioners discovered the completely unexpected situation that SCAG, in fact, agreed with them that Hollywood's 2005 baseline population was nowhere near 224,000 ppl. In 2011, SCAG had determined that the 2005 baseline population was only **200,546** ppl. That is 24,000 people less than Respondents were representing.

5. Assuming *arguendo* that the DEIR and FEIR were both written prior to SCAG's 2011 re-determination of the 2005 population, the information was known by 2012. In June 2012, Respondents issued the 2nd Addition which perpetuated the fraud about the 2005 baseline population. The 2nd Addition not only failed to correct the erroneous 224,426 ppl figure, but it also manufactured a fiction that Hollywood's population had fluctuated over the prior decade. Respondents falsely told the public that Hollywood's population went from 210,794 ppl in year 2000 up to 224,426 ppl, just 5 years later in 2005, and then it had precipitously dropped by 26,000 ppl in the five years between 2005 and 2010.

6. On June 19, 2012, Councilmember Garcetti also perpetuated the material fraud by urging the City Council to adopt the Hollywood Plan without advising anyone that the 2005 baseline population was 24,000 ppl less than the HCP stated. This was fraud by omission.

> Civil Code, § 1710. A deceit, within the meaning of the last section, is either:

1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;

2. The assertion, as a fact, of that which is not true, by one who has no reasonable ground for believing it to be true;

3. The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; . . . [1]

7. This exact issue is not whether 200,546 ppl is the accurate number. There is no denying that it is the final 2005 population determination by SCAG. When Respondents advised the public that the HCP was based in whole or material part on the **SCAG determination of the 2005 baseline population**, Respondents had the affirmative duty to rectify the mis-information and advise the public of SCAG's new figure. Civil Code, § 1710, CA Rules Prof. Conduct 5-200, ABA Rule 3.3

8. **Respondents May Not Continue after Their Material Deceit**

Respondents knew and now the City Attorney **knows** that the 2005 baseline population of 224,426 ppl is false. The City Attorney also knows that Respondents' duty to correct the SCAG 2005 population figure did not cease upon the approval of the HCP, nor did it cease when Petitioners filed their lawsuit. Rather, that duty is still incumbent on Respondents and now it has matured into a duty on the City Attorney's office. The situation is not one

[1] Although the City Attorney proposed that the City not go this route, now that the City has made this choice, ABA Rule 3.3 is relevant, and I believe it is the model for California Rules of Processional Conduct, Rule 5-200 (A) & (B).

where the City Attorney's Office can say that it believes the false 2005 baseline population. The City Attorney's Office **knows** that the SCAG's final determination for the 2005 Hollywood population was only 200,546 ppl. Thus, the City Attorney now **knows** that the HCP is based on deceit and the City Attorney may not proceed with this litigation as to do so would require the City Attorney to ask the Court to accept the 2005 population of 224,426 ppl as truthful.

The City Attorney may not withhold from the Court the true information. Because the SCAG 2005 baseline population was 200,546 ppl, Respondents must disavow the DEIR, the FEIR, and most importantly, they must completely disavow the 2nd Addition which stated in material part:

> (**SCAG's forecast is 244,602 persons**, while the existing plan capacity is 235,850 persons). [**bold** added] 2nd Addition, p 2 of 33

> It is reasonable that **population increased from 2000 to 2005** followed by a decline between 2005 and 2010 as housing prices and rents rose, followed by economic crashes and economic declines. The Census data does not identify the cause of population changes during the 10-year period between Census surveys, nor can it identify fluctuations during the period between Censuses. [**bold** added] 2nd Addition p 16 of 33

Respondents had no basis in 2012 to assert there had been a population increase between 2000 and 2005. SCAG had determined that there had been a 4,000 ppl drop in population between the years 2000 and 2005. By invoking SCAG as the authority for the baseline population, the 2nd Addition had the duty to disclose SCAG's 200,546 ppl determination. Of course, disclosure would

have shown the need to return the HCP to the drawing boards.

It is not relevant that Respondents believed that no change was necessary in the HCP due to SCAG's determination that the 2005 population was 24,000 less than its prior determination. Respondents were under an affirmative duty to disclose the SCAG data, after which Respondents could argue that the SCAG determination of 200,546 ppl did not require a change in the HCP conclusions. Of course, such an argument would have been risible.

The 2nd Addition continued its material misrepresentations and continued to conceal the SCAG 2011 2005 population determination.

Baseline Year for Hollywood Community Plan Update EIR

> The baseline year for the EIR is 2005. As indicated on p. 4.2-2 of the Draft EIR, the 2005 population estimate was derived from **SCAG's 2004 RTP**; housing units were estimated by the Planning Department Demographic Unit using 2000 census data and permit data. The 2005 population was a reasonable estimate at the time it was made, and **remains a reasonable estimate of the 2005 population in Hollywood**. Many government agencies, including public service providers, rely on the same sources of SCAG RTP data, and use of such data estimates is the best practice. See above discussion of demographic trends and current population numbers. A projection is a forecast and it is valid to use such forecasts for analyzing future conditions.

The SCAG original estimates of approximately 224,000 ppl do not remain reasonable after SCAG has reduced its determination by 24,000 ppl. Saying that all the conclusions in the HCP were unaffected by the change in the SCAG data is a materially deceptive statement whose absurdity would have been

immediately obvious to everyone but for Respondents' concealing of SCAG's actual baseline population of 200,546 ppl. Civil Code, § 1710

> The Draft EIR evaluates the environmental impacts related to population and housing based upon information from a variety of sources including, the United States Census (US Census), California Department of Finance (DOF), the **Southern California Association of Governments (SCAG),** the City of Los Angeles General Plan Framework Element (Framework), and associated documents. Since each of these organizations may use different methods of data collection and analysis, the data do not always arrive at **precisely the same results**. Accordingly, the population and housing numbers used in the analysis may **vary somewhat,** depending upon the source cited. Despite the variances, the data used in this **EIR represent the best available data sources** and provide a reasonable description of the population, housing, and employment characteristics of the CPA.
>
> To address concerns raised that **2005 SCAG data underestimate** impacts of the Proposed Plan, **additional analysis was conducted using 2010 census data which had become available after publication of the DEIR**. The results of this supplemental analysis indicate **no change** in the conclusions of the FEIR. As noted in response MR-2, service and utility planning is generally based on long-term population forecasts provided by SCAG that the service and utility providers use to project long-term demand, combined with localized upgrades in response to individual projects as needed.

Once agin we have material deceit. However, this section reveals that

Respondents knew that the SCAG data had materially changed by their admitting that **additional analysis** had been conducted **after** the 2010 census data, but the analysis indicate "no change." One can perceive Respondents' intention to deceive. If they honestly believed that the revised SCAG data showing the baseline population to be 24,000 less did not change the conclusions in the FEIR, then Respondents would have followed the law and revealed the actual SCAG baseline population of 200,546 ppl. If nothing else, the SCAG data showed that Hollywood had not experienced any population increases, but instead, it had experienced only decline from 1990 to 2010.

Respondents' deceit continued.

2005 Census as Compared to 2010 Census as the Baseline

> As noted above 2005 is the baseline for the Hollywood Community Plan Update EIR. **The Planning Department used data from SCAG as the basis for the 2005 analysis**. This was the **best source of data** at the time of publication of the Draft EIR. **This 2005 estimate was, and remains a reasonable estimate**. 2010 Census data became available after publication of the Draft EIR. Analysis of available 2010 Census data was included in the **Final EIR to fully inform decision makers**, and shows the conclusions of the Draft EIR remain consistent and have not changed. [**bold** added], 2nd Addition 17 of 33]

Respondents knew that there had been a material change in SCAG's population determination but they withheld that information from the public. Withholding the SCAG baseline population of 200,546 ppl was the opposite of fully informing decision makers and the public.

> It is not feasible to change the baseline year of EIR analysis every time a government agency at the state, federal, or **local level issues a projection for a future condition or issues an estimate for those years subsequent to the NOP and EIR baseline year.** As stated above, the 2005 SCAG population was a reasonable estimate at the time it was made, and remains a reasonable estimate of the 2005 population in Hollywood. [**bold** added] 2nd Addition, 18 of 33

Although the 2nd Addition had previously asserted that SCAG, a local level agency, is the best source for population data, Respondents failed to disclose the SCAG population determination for 2005 was only **200,546 ppl**.

While concealing SCAG's actual population determination, the 2nd Addition deceives the public by asserting "2005 SCAG population was a reasonable estimate . . . **remains a reasonable estimate of the 2005** population in Hollywood." 224,426 ppl was not reasonable when SCAG made it, but at one time it was the SCAG's position. After the 2010 US Census and SCAG's revision in 2011, it is a materially false statement that "SCAG's original estimate remains reasonable."

Petitioners assert that the material deceit irredeemably taints the entire HCP and that counsel may not withhold the true situation from the court. Petitioners also assert that it would be deceptive to continue the litigation without also advising the court that Respondents' conduct has irreparably damaged the AR as a adequate record on which the Court may rely in making its determinations in this case.

9. The Selected Alternative was Unreasonable

Because the new SCAG determination shows that Hollywood's population

Respondents will suspend the amendments to the Hollywood Community Plan and the associated changes to the zoning and land use maps, and Respondents will not approve any development project under the standards of the June 19, 2012 Hollywood Community Plan.

Respondents prepare amendments for a revised Hollywood Community Plan which conform to the policies and objectives of the General Plan and the requirements of CEQA. These amendments will have to be undertaken after a new EIR and new FEIR have been adopted.

Respondents agree that new Draft EIR will address in good faith and in detail the issues which have been raised in the Fix The City, Inc. City of Los Angeles, BS 138-580, especially concerning mitigation of the numerous adverse impacts which any Alternative may require.

Petitioners in this case and in the related cases of La Mirada Homeowners Association v City of Los Angeles, BS 138380 and Fix The City, Inc. v City of Los Angeles, BS 138580 shall recover their full attorney fees and costs. As the litigation was caused by Respondents' material deception, there should be no reduction in attorney fees or costs. Petitioners do not have exact numbers for the attorney fees and costs for all cases, but will obtain the figures within a few days.

As the new city council takes office on July 1, 2013, Petitioners' settlement offer expires at **11:59 p.m. on Tuesday July 17, 2013.**

///

///

Very truly yours,

Richard MacNaughton

Richard MacNaughton, Esq.
Co-counsel for SaveHollywood.org and
Hollywoodians Encouraging Logical Planning
RMN:ra
electronically signed
levno:savehollywood:LHZC-1010-2

David Giron <david.giron@lacity.org>

Vehicular manslaughter

1 message

David Giron <david.giron@lacity.org> Fri, Jul 26, 2013 at 9:38 AM
To: mitchof13 <mitchof13@gmail.com>, Harout Semerdjian <harout.semerdjian@lacity.org>, "Mitch Ofarrell (CM)" <mitch.ofarrell@lacity.org>

vehicular manslaughter

n. the crime of causing the death of a human being due to illegal driving of an automobile, including gross negligence, drunk driving, reckless driving or speeding. Vehicular manslaughter can be charged as a misdemeanor (minor crime with a maximum punishment of a year in county jail or only a fine) or a felony (punishable by a term in state prison) depending on the circumstances. Gross negligence or driving a few miles over the speed limit might be charged as a misdemeanor, but drunk driving resulting in a fatality is most likely treated as a felony. Death of a passenger, including a loved one or friend, can be vehicular manslaughter if due to illegal driving.

David Giron <david.giron@lacity.org>

LA Times re: DWP sick pay motion

2 messages

Andy Shrader <andy.shrader@lacity.org> Fri, Jul 26, 2013 at 4:55 PM
To: David Giron <david.giron@lacity.org>, Tony Arranaga <tony.arranaga@lacity.org>

CM O'Farrell is mentioned:

http://www.latimes.com/local/lanow/la-me-ln-dwp-sick-pay-20130726,0,2798508.story

--
Andy Shrader
Deputy of Environmental Affairs & Sustainability
Office of Councilmember Paul Koretz
Los Angeles City Council, District 5
200 North Spring Street, Room 440
Los Angeles, CA 90012
(213) 473-7005

David Giron <david.giron@lacity.org> Fri, Jul 26, 2013 at 4:56 PM
To: Tony Arranaga <tony.arranaga@lacity.org>, Mitch OFarrell <mitchof13@gmail.com>, Jeanne Min <jeanne.min@lacity.org>

BOOM

David Giron
Legislative Director
Office of Councilmember Mitch O'Farrell
213-473-7013 o
213-841-2412 c
213-473-7734 f

Find the Councilmember on Facebook, Twitter and YouTube!

[Quoted text hidden]

Gmail

Mitch OFarrell <mitchof13@gmail.com>

Fwd: Council Summary for the Week of 7/23/13 - 7/26/3

1 message

David Giron <david.giron@lacity.org> Sat, Jul 27, 2013 at 1:25 AM
To: CD13 <cd13.all@lacity.org>, "Mitch Ofarrell (CM)" <mitch.ofarrell@lacity.org>
Bcc: mitchof13@gmail.com

---------- Forwarded message ----------
From: "David Giron"
Date: Jul 27, 2013 1:25 AM
Subject: Council Summary for the Week of 7/23/13 - 7/26/3
To: "David Giron" <david.giron@lacity.org>
Cc:

Hello Team:

Attached is the Council MOTION Summary for the week of 7/23/13 - 7/26/13. The Legislative Team is going to be sending regular updates on Council votes and MOTIONS that CM O'Farrell has introduced or seconded, as well as generally important City wide MOTIONS or actions.

In the future we are going to have a full vote count on items as well as other information, please advise at ANY time if you want more info or if what we are providing is helpful/isn't helpful. This review is meant to assist you at meetings etc.

The Word file is attached as well:

MOTIONS for the week of 7/23 – 7/26

MOTIONS Presented by Mitch O'Farrell:

1: MOTION: 13-0938 Echo Park/Silver Lake/Elysian Valley Slope Density

- Motion moves that the Council instruct the Planning Department to take the necessary actions to add slope density regulations to the appropriate areas in the Silver Lake-Echo Park-Elysian Valley Community Plan, and explore the feasibility of replicating the slope density regulations contained in the Hollywood Community Plan as part of the Silver Lake-Echo Park-Elysian Valley Community Plan. Slope Density regulations are a valuable land use tool because it protects hillside residential neighborhoods by preserving aesthetics and community feel.

- This **MOTION** is **PENDING** in PLUM Committee

2: MOTION 13-0933 Arts Development Fee

- Motion moves that the Council instruct the Department of Cultural Affairs with the assistance of the Planning Department, the Department of Building and Safety, and the City Administrative Officer, and in consultation with the City Attorney, to prepare and present a report with recommendations and a draft ordinance to update the Arts Development Fee Ordinance, to update the amounts collected and the process for collecting and distributing funds, as well as recommendations for expanding the types of projects generating Arts Development Fees and appropriate credits and exemptions. The Arts Development Fee Ordinance has not been amended in over two decades. To better serve the city's many diverse and distinct local communities new standards must be put in place to direct the use of these funds in public art capital improvement projects.

- This **MOTION** is **PENDING** in Budget and Finance / Arts, Parks, Health, Aging and River

3: MOTION 13-0671 Yucca Supermarket 1815 N. Cahuenga Blvd

- Motion moved to amend Item 2 on Agenda for Friday July 26th relating to Yucca Supermarket grocery store application for determination of Public Convenience or Necessity for alcohol sales.

- **MOTION** adopted the following conditions:

1. Prohibit the sale of beer or malt beverages in quantities of quarts, 22oz., 32 oz., 40 oz.

2. Distilled spirits may not be sold in containers smaller than 750 ml.

3. Every two hours (from opening to closing hours) an employee must inspect the parking lot and adjacent areas of the business for loiterers and keep log.

4. Petitioner shall install and maintain security cameras (there month video library) covering common area of the business and the tapes should be available to the LAPD upon request.

4: MOTION 13-0906 Hollywood Mobility Trust Fund

- Trust Fund established in CD13 for the purpose of community benefits.

- Possible benefits could include: way-finding signage, improvement of pedestrian amenities and linkages, enhancement of DASH service, acquisition of land to provide kiss and ride parking, first and last mile solutions to better connect commuters to public transit options, improvement to existing public transportation transit shelter/bus stop areas, installation of new transit shelter/bus stops, bicycle amenities including bike lockers, bike rental and bike repair areas.

- This item is Pending in PLUM Committee

Motions Seconded by Mitch O'Farrell:

1: MOTION 13-0940 LAPD Response to Hollywood Flash Mob

- Motion moves that the LAPD report on its response to the July 16 Hollywood flash mod incident. In addition, the MOTION asks that LAPD report on what efforts were effective and which were not, what lessons were learned and how these lessons could be applied to more effectively deal with similar incidents in the future.

- This **MOTION** is **PENDING** in Public Safety Committee

2: **MOTION 13-0935** Long term strategy for Puente Hills Landfill in CD 7

- Motion moves that City Council direct the Bureau of Sanitation to provide a report to the Energy and Environment Committee within 30 days on its long term strategy for solid waste disposal and how it will ensure that the residents of the City of Los Angeles will not see significant rate hikes in their sanitation changes associated with Puente hills Landfill closure.

- This **MOTION** is **PENDING** in Energy and Environment Committee

3: MOTION 13-0823-S1 Item 11B (Amending MOTION 11B) Education and Neighborhoods meeting dates

- MOTION moves that the City's Economic Development Department, CLA and CAO report to the Economic Development Committee within 30 days with recommendations and funding necessary to replace state-level SEZ and CRA incentives, continue and increase existing city-level incentives, and create new programs that will attract business and job creation to Los Angeles across all sectors, with a focus on economically disadvantaged areas with high levels of poverty.

- **MOTION** is **PENDING** in Economic Development Committee

4: **MOTION** 13-0939 Cash-for-gold businesses

- MOTION moves that the Planning Department and City Attorney be instructed to report on the feasibility of implementing a moratorium, and other potential land use controls, on new cash-for-gold and secondhand jewelry businesses.

- **MOTION** is **PENDING** in PLUM Committee

5: **MOTION** 13-0928 Renter's Right to Recycle

- MOTION moves to have the Bureau of Sanitation be instructed to report on the status of recycling programs and requirements at multifamily apartment complexes in the City, and to include in that report the percentage of multifamily dwellings that are participating in recycling programs, both in the City as a whole and in each individual Council District.

CD13 MOTIONS Week of 7.23.13 to 7.26.13.docx
19K

- Bernard Parks introduced a motion to change the meeting schedule for the Education and Neighborhoods Committee to only the 3rd Tuesday of each month instead of having it on the 1st and 3rd Tuesday of each month.

- This **MOTION** is Adopted and sent forthwith

4: **MOTION 13-0932** Bureau of Sanitation Report back to Arts, Parks on Tanker truck incident adjacent to the LA River/ Environmental impacts.

- Felipe Fuentes, Chair of Energy and Environment asked that the report go to E&E Committee, but the CLA stamped it for the LA River.

- This **MOTION** is pending in Arts, Parks…River Committee

5: **MOTION 13-0929** Relative to special funds being used for the City Attorney Reception on July 12 2013, introduced by Paul Koretz

6. **MOTION 13-0930** Relative to Latina Bar Association meeting at the Tom Bradly Tower, initiated by Paul Koretz.

7. **MOTION 13-0909** DWP Sick Leave Policy

- Paul Koretz initiated this MOTION asking DWP to report to Council on the sick leave policies along with the DWP Rate Payer Advocate, Fred Pickel.

- "Regular" City Hall employees must present a doctors note after this third day in a row of being absent, while the DWP Policy can extend for up to 10 days, and in certain cases up to 2 full months.

- This **MOTION** is pending in Energy and Environment Committee

8. **MOTION 13-0908** Climate adaptive resource conservation

- CM Blumenfield introduced this MOTION to receive a report from Public Works, Planning and DWP on conservation through early planning development.

- This **MOTION** is pending in Energy and Environment Committee

9. **MOTION 13-0905** Charter Buses in CD8

10. **MOTION 13-0907** CD14 NC funds reapportionment.

City Wide MOTIONS that could affect CD13 or Important Citywide MOTIONS:

1: MOTION 13-0927 (Special 1) Caretaker for CD6.

- Introduced by Herb Wesson Jr. and seconded by Mitchell Englander and Felipe Fuentes, moves that the Caretaker for the Sixth Council District be authorized to immediately hire Ms. Nury Martinez as Chief Deputy for the Sixth Council District pending certification by the City Clerk of the results of the July 23 special election, in which Ms. Martinez defeated Cindy Montanez, to fill the vacancy in the Office of Councilmember for the Sixth District. The challenger in the race has already conceded the election.

2: **MOTION 13-0941** Waiving of fees for sidewalk repair on adjacent property.

- MOTION moves that Public Works figure out a way to avoid any fees associated with permits if the owner of the adjacent property is able to just pay for fixes next to his or her home /business.

- **MOTION** is **PENDING** in Public Works Committee

3: **MOTION 13-0934** SEZ and CRA incentives

MOTIONS for the week of 7/23 – 7/26

MOTIONS Presented by Mitch O'Farrell:

1: MOTION: 13-0938 Echo Park/Silver Lake/Elysian Valley Slope Density

- Motion moves that the Council instruct the Planning Department to take the necessary actions to add slope density regulations to the appropriate areas in the Silver Lake-Echo Park-Elysian Valley Community Plan, and explore the feasibility of replicating the slope density regulations contained in the Hollywood Community Plan as part of the Silver Lake-Echo Park-Elysian Valley Community Plan. Slope Density regulations are a valuable land use tool because it protects hillside residential neighborhoods by preserving aesthetics and community feel.
- This **MOTION** is **PENDING** in PLUM Committee

2: MOTION 13-0933 Arts Development Fee

- Motion moves that the Council instruct the Department of Cultural Affairs with the assistance of the Planning Department, the Department of Building and Safety, and the City Administrative Officer, and in consultation with the City Attorney, to prepare and present a report with recommendations and a draft ordinance to update the Arts Development Fee Ordinance, to update the amounts collected and the process for collecting and distributing funds, as well as recommendations for expanding the types of projects generating Arts Development Fees and appropriate credits and exemptions. The Arts Development Fee Ordinance has not been amended in over two decades. To better serve the city's many diverse and distinct local communities new standards must be put in place to direct the use of these funds in public art capital improvement projects.
- This **MOTION** is **PENDING** in Budget and Finance / Arts, Parks, Health, Aging and River

3: MOTION 13-0671 Yucca Supermarket 1815 N. Cahuenga Blvd

- Motion moved to amend Item 2 on Agenda for Friday July 26th relating to Yucca Supermarket grocery store application for determination of Public Convenience or Necessity for alcohol sales.
- **MOTION** adopted the following conditions:

1. Prohibit the sale of beer or malt beverages in quantities of quarts, 22oz., 32 oz., 40 oz.
2. Distilled spirits may not be sold in containers smaller than 750 ml.
3. Every two hours (from opening to closing hours) an employee must inspect the parking lot and adjacent areas of the business for loiterers and keep log.

4. Petitioner shall install and maintain security cameras (there month video library) covering common area of the business and the tapes should be available to the LAPD upon request.

4: MOTION 13-0906 Hollywood Mobility Trust Fund

- Trust Fund established in CD13 for the purpose of community benefits.
- Possible benefits could include: way-finding signage, improvement of pedestrian amenities and linkages, enhancement of DASH service, acquisition of land to provide kiss and ride parking, first and last mile solutions to better connect commuters to public transit options, improvement to existing public transportation transit shelter/bus stop areas, installation of new transit shelter/bus stops, bicycle amenities including bike lockers, bike rental and bike repair areas.
- This item is Pending in PLUM Committee

Motions Seconded by Mitch O'Farrell:

1: **MOTION 13-0940** LAPD Response to Hollywood Flash Mob

- Motion moves that the LAPD report on its response to the July 16 Hollywood flash mod incident. In addition, the MOTION asks that LAPD report on what efforts were effective and which were not, what lessons were learned and how these lessons could be applied to more effectively deal with similar incidents in the future.
- This **MOTION** is **PENDING** in Public Safety Committee

2: **MOTION 13-0935** Long term strategy for Puente Hills Landfill in CD 7

- Motion moves that City Council direct the Bureau of Sanitation to provide a report to the Energy and Environment Committee within 30 days on its long term strategy for solid waste disposal and how it will ensure that the residents of the City of Los Angeles will not see significant rate hikes in their sanitation changes associated with Puente hills Landfill closure.
- This **MOTION** is **PENDING** in Energy and Environment Committee

3: MOTION 13-0823-S1 Item 11B (Amending MOTION 11B) Education and Neighborhoods meeting dates

- Bernard Parks introduced a motion to change the meeting schedule for the Education and Neighborhoods Committee to only the 3rd Tuesday of each month instead of having it on the 1st and 3rd Tuesday of each month.
- This **MOTION** is Adopted and sent forthwith

4: **MOTION 13-0932** Bureau of Sanitation Report back to Arts, Parks on Tanker truck incident adjacent to the LA River/ Environmental impacts.

- Felipe Fuentes, Chair of Energy and Environment asked that the report go to E&E Committee, but the CLA stamped it for the LA River.
- This **MOTION** is pending in Arts, Parks…River Committee

5: **MOTION 13-0929** Relative to special funds being used for the City Attorney Reception on July 12 2013, introduced by Paul Koretz

6. **MOTION 13-0930** Relative to Latina Bar Association meeting at the Tom Bradly Tower, initiated by Paul Koretz.

7. **MOTION 13-0909** DWP Sick Leave Policy

- Paul Koretz initiated this MOTION asking DWP to report to Council on the sick leave policies along with the DWP Rate Payer Advocate, Fred Pickel.
- "Regular" City Hall employees must present a doctors note after this third day in a row of being absent, while the DWP Policy can extend for up to 10 days, and in certain cases up to 2 full months.
- This **MOTION** is pending in Energy and Environment Committee

8. **MOTION 13-0908** Climate adaptive resource conservation

- CM Blumenfield introduced this MOTION to receive a report from Public Works, Planning and DWP on conservation through early planning development.
- This **MOTION** is pending in Energy and Environment Committee

9. **MOTION 13-0905** Charter Buses in CD8

10. **MOTION 13-0907** CD14 NC funds reapportionment.

City Wide MOTIONS that could affect CD13 or Important Citywide MOTIONS:

1: MOTION 13-0927 (Special 1) Caretaker for CD6.

- Introduced by Herb Wesson Jr. and seconded by Mitchell Englander and Felipe Fuentes, moves that the Caretaker for the Sixth Council District be authorized to immediately hire Ms. Nury Martinez as Chief Deputy for the Sixth Council District pending certification by the City Clerk of the results of the July 23 special election, in which Ms. Martinez defeated Cindy Montanez, to fill the vacancy in the Office of Councilmember for the Sixth District. The challenger in the race has already conceded the election.

2: **MOTION 13-0941** Waiving of fees for sidewalk repair on adjacent property.

- MOTION moves that Public Works figure out a way to avoid any fees associated with permits if the owner of the adjacent property is able to just pay for fixes next to his or her home /business.
- **MOTION** is **PENDING** in Public Works Committee

3: **MOTION 13-0934** SEZ and CRA incentives

- MOTION moves that the City's Economic Development Department, CLA and CAO report to the Economic Development Committee within 30 days with recommendations and funding necessary to replace state-level SEZ and CRA incentives, continue and increase existing city-level incentives, and create new programs that will attract business and job creation to Los Angeles across all sectors, with a focus on economically disadvantaged areas with high levels of poverty.
- **MOTION** is **PENDING** in Economic Development Committee

4: **MOTION** 13-0939 Cash-for-gold businesses

- MOTION moves that the Planning Department and City Attorney be instructed to report on the feasibility of implementing a moratorium, and other potential land use controls, on new cash-for-gold and secondhand jewelry businesses.
- **MOTION** is **PENDING** in PLUM Committee

5: **MOTION** 13-0928 Renter's Right to Recycle

- MOTION moves to have the Bureau of Sanitation be instructed to report on the status of recycling programs and requirements at multifamily apartment complexes in the City, and to include in that report the percentage of multifamily dwellings that are participating in recycling programs, both in the City as a whole and in each individual Council District.